

HOUSE BILL 3141
By Rinks

AN ACT to amend Tennessee Code Annotated, Section 63-5-108
and Section 63-5-115, relative to dental hygienists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-5-108(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Any person is deemed to be practicing dental hygiene who engages or offers to engage in those clinical procedures primarily concerned with the performance of preventive dental services not constituting the practice of dentistry, including removing all hard and soft deposits by scaling or curettage from the surfaces of the human teeth to the depth of the gingival sulcus, performing clinical examination of teeth and surrounding tissues for diagnosis by the dentist, and performing such other procedures as may be delegated by the dentist, including subgingival scaling, root planing, gingival curettage and polishing consistent with the provisions of this chapter and in accordance with the rules and regulations of the board, under supervision of a licensed and registered dentist. No person shall practice dental hygiene in a manner which is separate or independent from a supervising dentist, or establish or maintain an office or a practice that is primarily devoted to the provision of dental hygiene services. A dental hygienist shall perform, under direct supervision only, root planing and subgingival curettage.

Under general supervision a dental hygienist may provide to patients, for not more than fifteen (15) consecutive business days, all other dental hygiene services not otherwise

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limited to direct supervision by this chapter or rules adopted by the board, if all the following requirements are met:

- (1) The dental hygienist has at least one (1) year, full-time, or an equivalent amount of experience practicing dental hygiene;
- (2) The dental hygienist complies with written protocols for emergencies which the supervising dentist establishes;
- (3) The supervising dentist examined the patient not more than seven (7) months prior to the date the dental hygienist provides the dental hygiene services;
- (4) The dental hygienist provides dental hygiene services to the patient in accordance with a written treatment plan developed by the supervising dentist for the patient; and
- (5) The patient is notified in advance of the appointment that the supervising dentist will be absent from the location and that the dental hygienist cannot diagnose the patient's dental healthcare status.

SECTION 2. Tennessee Code Annotated, Section 63-5-108(c), is amended by deleting the second sentence in its entirety and substituting instead the following:

The board has the authority to permit registered dental assistants to apply sealants to and to polish human teeth and the board has the discretion to establish criteria and curricula as necessary to ensure that such registered dental assistants are qualified to apply sealants and perform polishing.

SECTION 3. Tennessee Code Annotated, Section 63-5-108, is amended by adding a new subsection (d) as follows and relettering the subsequent subsection accordingly:

(d) No duly licensed and registered dentist shall supervise more than three (3) dental hygienists, or the equivalent of three (3) dental hygienists under general supervision at any one (1) time.

SECTION 4. Tennessee Code Annotated, Section 63-5-115(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) A duly licensed and registered dentist may employ licensed and registered dental hygienists and/or registered dental assistants. Such licensed and registered dental hygienists may practice as authorized in this section or Section 63-5-108 only in the office of and under the direct and/or general supervision of a licensed and registered dentist except in authorized public health programs. Such registered dental assistants may practice as authorized in this section or Section 63-5-108 only in the office of and under the direct supervision of a licensed and registered dentist except in authorized public health programs. No provisions in this chapter shall be construed as authorizing any licensed and registered dental hygienists or registered dental assistants to practice as such except as provided in this section.

SECTION 5. Tennessee Code Annotated, Section 63-5-115(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Definitions.

(1) Direct Supervision – As used in this chapter regarding supervision of licensed and registered dental hygienists or registered dental assistants, direct supervision means the continuous presence of a supervising dentist within the physical confines of the dental office when licensed and registered dental hygienists or registered dental assistants perform lawfully assigned duties and functions.

(2) General Supervision – As used in this chapter, the term general supervision is defined as those instances when the dentist is not present in the dental office or treatment facility while procedures are being performed by the dental hygienist, but the dentist has personally diagnosed the condition to be

treated, has personally authorized the procedures being performed and will evaluate the performance of the dental hygienist.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.